

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION**

In re
Patrick D. Baker,
Debtor(s).

Wells Fargo Bank, N.A. as servicing
agent for U.S. Bank National
Association, as Trustee, successor in
interest to Bank of America, National
Association, as Trustee, successor by
merger to LaSalle Bank National
Association, as Trustee for Structured
Asset Investment Loan Trust
Mortgage Pass-Through Certificates,
Series 2004-2

,
Movant.

v.

Patrick D. Baker
Debtor(s).

Kathleen M. Baker
Co-Debtor(s).

and

Diana S. Daugherty, Trustee.
Respondents.

Case No. 22-41327

Chapter 13

NOTICE OF DEFAULT

Hearing Date: June 13, 2023,
Hearing time: 10:00 AM

Bonial & Associates, P.C.
12400 Olive Blvd, Suite 555
St. Louis, Missouri 63141
EDMO@BonialPC.com

NOTICE OF HEARING AND NOTICE OF DEFAULT

WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY June 6, 2023 (7 DAYS PRIOR TO THE HEARING DATE). YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO

YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS. THE HEARING TO BE HELD ON THE DATE AND TIME ABOVE BEFORE THE HONORABLE BONNIE L CLAIR, IN THE UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF MISSOURI, TFE U.S. COURTHOUSE, 111 SOUTH 10TH STREET, COURTROOM 7 SOUTH, ST. LOUIS, MISSOURI, 63102.

COMES NOW Wells Fargo Bank, N.A., its subsidiaries, affiliates, predecessors in interest, successors and/or assigns ("Movant"), through the undersigned counsel, pursuant to Federal Rules of Bankruptcy Procedure 4001 and 9014, and states as follows in support of its Motion herein:

1. On May 03, 2022, the Debtor, above-named, filed a voluntary petition in Bankruptcy under Title 11, Chapter 13, U.S.C., in the United States Bankruptcy Court, for the Eastern District of Missouri.

2. A *Motion for Relief* was filed for default in payment of Debtor's mortgage loan [Dkt. No. 40] (the "Motion"). In resolution of the Motion, the parties entered into a *Consent Order and Stipulation In Settlement Of Motion For Relief* [Dkt. No. 44] ("Order").

3. Pursuant to the Order, Debtor agreed to cure the arrearages alleged in the Motion and to resume making monthly post-petition payments as they became due.

4. As of 04/26/2023, Debtors have failed to comply with the terms of the Order by failing to pay in full the 02/01/2023 – 04/01/2023 post-petition mortgage payments of \$891.89 totaling \$2,675.67 and the 02/15/2023 – 04/15/2023 stipulation payments of \$772.52 totaling \$2,317.56.

6. The sum of \$4,993.23 must be paid to Movant prior to the objection deadline stated above. Note that any payments accruing between the date of this notice and said date should be added to the amount due. Acceptance of partial payments will not constitute a waiver of Wells Fargo's rights to pursue the default in the event the partial

payments are not enough to cure the entire default.

7. The address to which payments are to be made to Servicer as agent for Movant is:

Wells Fargo Home Mortgage
PO Box 14507
Des Moines, IA 50306

WHEREFORE, pursuant to the Order, Movant hereby gives notice that in the event a valid defense is not set forth or funds tendered sufficient to cure the delinquency identified above along with all amounts that have come due under the terms of the Promissory Note, Deed of Trust, and/or the Order of the Court within fourteen (14) days of the date given below, Movant, or its successors and assigns will submit an appropriate order to the Court for entry.

Dated: May 2, 2023

BONIAL & ASSOCIATES, P.C.

/s/ Wesley T. Kozeny

Wesley T. Kozeny / # 34600
12400 Olive Blvd, Suite 555
St. Louis, Missouri 63141
Phone: (314) 991-0255
Fax: (314) 991-6755
EDMO@BonialPC.com
Attorney for Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion for Relief including all exhibits and attachments, and this pleading was filed electronically on May 2, 2023, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List as follows:

Debtor's Attorney

Timothy Patrick Powderly
The Powderly Law Firm, L.L.C.
11965 St. Charles Rock Rd. Suite 202
St. Louis, MO 63044

Chapter 13 Trustee

Diana S. Daugherty
P.O. Box 430908
St. Louis, Missouri 63143

US Trustee

Office of the U.S.Trustee
111 South Tenth Street, Suite 6.353
St. Louis, Missouri 63102

I hereby certify that a true and correct copy of the Motion for Relief including all exhibits and attachments, and this pleading was filed electronically on May 2, 2023, with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, to the parties listed below on May 3, 2023.

Debtor(s)

Patrick D. Baker
9232 Wabaday
Overland, MO 63114

Co-Debtor(s)

Kathleen M. Baker
9232 Wabaday Ave
Saint Louis, Missouri 63114

Parties Requesting Notice

Attn: Ally Financial Department
AIS Portfolio Services, LP
Account: XXXXXXXX2909
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118

Respectfully Submitted,

/s/ Wesley T. Kozeny
Wesley T. Kozeny